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FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Jul 29, 2021

SEAN F. McAVOY, CLERK

7 UNITED STATES DISTRICT COURT  
8 FOR THE EASTERN DISTRICT OF WASHINGTON

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 MARILOU MARTINEZ,

13 Defendant.

4:20-CR-06029-SAB-7

Plea Agreement

14 Plaintiff, United States of America, by and through Joseph H. Harrington,  
15 Acting United States Attorney for the Eastern District of Washington, Stephanie A.  
16 Van Marter, Assistant United States Attorney for the Eastern District of Washington,  
17 and Defendant Marilou Martinez, as well as Defendant's counsel, Houston Goddard,  
18 agree to the following Plea Agreement:

22 1. Guilty Plea and Maximum Statutory Penalties:

23 Defendant, Marilou Martinez (hereinafter Defendant), agrees to plead guilty to  
24 Count 1 of the Indictment dated October 21, 2020, charging Defendant with  
25 Conspiracy to Provide Prohibited Objects to an Inmate of a Prison in violation of 18  
26

1 U.S.C. § 1791(a)(1), (a)(2), (b)(1), (b)(2) (b)(3), (b)(4) and (c), all in violation of 18

2 U.S.C. § 371.

3  
4 Defendant understands that this is a Class D Felony carrying the following  
5 penalties: a term of imprisonment of up to 5 years; a fine not to exceed \$250,000; a  
6 term of supervised release of up to 3 years; and a \$100 special penalty assessment.  
7

8 Defendant understands that a violation of a condition of supervised release  
9 carries an additional penalty of re-imprisonment for up to two years without credit for  
10 time previously served on post-release supervision. *See* 18 U.S.C. § 3583(e)(3).

11       2. The Court is Not a Party to the Agreement:

12       The Court is not a party to this Plea Agreement and may accept or reject this  
13 Plea Agreement. Sentencing is a matter that is solely within the discretion of the  
14 Court. The Defendant understands that the Court is under no obligation to accept any  
15 recommendations made by the United States and/or by the Defendant; that the Court  
16 will obtain an independent report and sentencing recommendation from the U.S.  
17 Probation Office; and that the Court may, in its discretion, impose any sentence it  
18 deems appropriate up to the statutory maximums stated in this Plea Agreement.  
19

21       The Defendant acknowledges that no promises of any type have been made to  
22 the Defendant with respect to the sentence the Court will impose in this matter. The  
23 Defendant understands that the Court is required to consider the applicable sentencing  
24 guideline range but may depart upward or downward under the appropriate  
25 circumstances.  
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1       The Defendant also understands that should the sentencing judge decide not to  
2 accept any of the parties' recommendations, that decision is not a basis for  
3 withdrawing from this Plea Agreement or a basis for withdrawing his plea of guilty.  
4

5       3.     Waiver of Constitutional Rights:

6       Defendant understands that by entering this plea of guilty Defendant is  
7 knowingly and voluntarily waiving certain constitutional rights, including:  
8

- 9           a)     The right to a jury trial;
- 10          b)     The right to see, hear, and question the witnesses;
- 11          c)     The right to remain silent at trial;
- 12          d)     The right to testify at trial; and
- 13          e)     The right to compel witnesses to testify.

14       While Defendant is waiving certain constitutional rights, Defendant understands  
15 he retains the right to be assisted through the sentencing and any direct appeal of the  
16 conviction and sentence by an attorney, who will be appointed at no cost if Defendant  
17 cannot afford to hire an attorney. Defendant also acknowledges that any pretrial  
18 motions currently pending before the Court are waived.  
19

20       4.     Elements of the Offense:

21       The United States and Defendant agree that in order to convict Defendant of  
22 Possession with Conspiracy to Provide Prohibited Objects to an Inmate of a Prison in  
23 violation of 18 U.S.C. § 371, the United States would have to prove beyond a  
24 reasonable doubt the following elements:  
25

*First, beginning on a date unknown but by December 2019, and continuing until on or about April 21, 2020, in the Eastern District of Washington, there was an agreement between Defendant and at least one other person to commit the crime of Providing a Prohibited Object to an Inmate of a Prison, in violation of 18 U.S.C. § 1791(a)(1), (b)(4);*

*Second*, Defendant became a member of the conspiracy knowing of at least one of its objects and intending to help accomplish it; and

*Third*, Defendant performed at least one overt act for the purpose of carrying out the conspiracy.

#### **5. Factual Basis and Statement of Facts:**

The United States and Defendant stipulate and agree that the following facts are accurate; that the United States could prove these facts beyond a reasonable doubt at trial; and these facts constitute an adequate factual basis for Defendant's guilty plea. This statement of facts does not preclude either party from presenting and arguing, for sentencing purposes, additional facts relevant to the guideline computation or sentencing, unless otherwise prohibited in this agreement.

**SEIZURE OF LG CELLULAR PHONE AT THE BENTON COUNTY JAIL,  
KENNEWICK, WASHINGTON February 3, 2020**

On February 2, 2020, Benton County Jail inmate, hereafter referred to as Cooperating Defendant (CD), wrote a note advising Corrections Officer Brady Haynes that “CO Christian”, later identified as Benton County Jail Corrections Officer CHRISTIAN, was bringing contraband into the jail to include suspected narcotics and cell phones. More specifically, the CD advised that there was a contraband cell phone

1 in Pod 301, cell 24. The CD provided this information in the hopes that he would get  
2 an expedited medical appointment with the jail nurse to examine a minor medical  
3 issue, which he did.  
4

5 Based in part on the above information, on February 3, 2020, the Benton  
6 County Jail staff conducted searches of the common areas of POD 301 at the Benton  
7 County Jail Facility (7122 W. Okanogan PL, Kennewick, Benton County, WA). CO  
8 Montelongo and CO Alumenger located a contraband phone in the janitor's closet  
9 within POD 301. The Benton county Jail has a contract with the United States  
10 Marshal Service to house federal inmates, this agreement makes Benton County Jail a  
11 federal detention facility. Cellular devices and narcotics as defined 18 U.S.C. §  
12 1791(d)(1)(B)(C) and (F) are strictly prohibited therefore, they are considered to be  
13 contraband in violation of 18 U.S.C. § 1791(a), criminalizing the  
14 Possession/Introduction of Contraband into a federal detention facility.

15 Based upon the recovery of the phone, Det. Martinez responded to the jail  
16 reference the reported contraband and interviewed the CD. The following is a  
17 summary only of the information provided by CD as reported to Benton County  
18 Detectives. The CD reported that on the February 2, 2020, the CD heard a noise  
19 through the wall between his cell and cell 24 which sounded like a cell phone on  
20 vibrate mode. CD advised that although he did not see the phone, just before locking  
21 down that evening, HORNTVEDT offered to call a family member of the CD. When  
22 the CD questioned how that could be done since it was almost lock down and they no  
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1 longer had access to the phones, HORNTVEDT asked for the number and advised he  
2 was going to call right now and repeated, "No, I'm going to do it right now."  
3

4 The CD also advised that he had heard two inmates arguing on a prior occasion  
5 in Pod 301 about a charger being confiscated. Det. Martinez later confirmed that on  
6 January 31, 2020 Corrections Officer Raul Rodriguez seized a cell phone charger  
7 from inmate Maxwell Jones. The charging brick half was still plugged into the wall  
8 hidden in a common area of the pod by the law library cart, while the charging cord  
9 that plugged into the power brick was seized from Inmate Jones' pocket.  
10

11 The CD advised that he had also heard the buzzing of what he assumed was a  
12 cell phone when he was housed in cell 14 in Pod 301. The CD believed it to be a cell  
13 phone because he had also heard music playing. He was not sure whether the sound  
14 was coming from cell 13 or cell 15, as he did not recall what way the numbers went.  
15  
16 In an effort to try and identify which cell the CD was referring, Det. Martinez  
17 confirmed through a review of jail records that the CD was housed in cell 14  
18 immediately prior to being moved to cell 25, from January 14, 2020 until January 29,  
19 2020.  
20

21 The CD advised that just prior to being moved out of cell 14, he was present  
22 when Corrections Officer Christian (hereafter CHRISTIAN) alerted his cell mate,  
23 "Chris", that inmates were about to be moved and they should get rid of anything they  
24 were not supposed to have. The CD described CHRISTIAN as a black male in his  
25 thirties who was tall and stocky. This description is consistent with CHRISTIAN.  
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1 The CD believes CHRISTIAN advised "Chris" of this because he had given "Chris" a  
2 contraband THC pen around the time of the Superbowl (which Det. Martinez verified  
3 was played on February 2, 2020). Det. Martinez verified that CHRISTIAN worked in  
4 Pod 301 on January 29, 2020 and as a third-floor rover on January 30, 2020. He was  
5 next scheduled to be on duty on February 3, 2020 but called in sick.  
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7

8 Jail records confirm that the CD was moved out of cell 14 on January 29, 2020  
9 by CHRISTIAN and that his cellmate had been Christopher Carroll.

10 The CD also expressed safety concerns should this information become public. The  
11 CD advised that CHRISTIAN allowed fights to occur between inmates in the pod.  
12 The CD alleged that CHRISTIAN would open the doors to sex offenders' cells and  
13 tell other non-sex offender inmates something to the effect of, "Do what you got to  
14 do." The CD also indicated that CHRISTIAN "banged on me" meaning that when the  
15 CD arrived at the jail, CHRISTIAN told him, "This is Crip," and "Crip from Cali."  
16 The CD stated that he told CHRISTIAN that he "didn't bang." While the CD believed  
17 CHRISTIAN brought the seized cell phone into the jail, he did not have any first-hand  
18 knowledge regarding that.  
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21 As noted above, SA Pietrzak reviewed several jail records to determine where  
22 CD was housed during the events in question. On February 2, 2020, the date the CD  
23 reported there was a phone inside the jail that was later recovered February 3, 2020,  
24 the CD was housed in Pod 301, cell 25 and had been assigned to Pod 301 since  
25 January 14, 2020 and in cell 25 since January 29, 2020. SA Pietrzak reviewed the jail  
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1 roster and confirmed that inmates Lance Horntvedt, Maxwell Jones, and Anthony  
2 Colbray were also assigned to cell 24 on February 2, 2020. HORNTVEDT had been  
3 assigned to Pod 301 January 27, 2020 and to cell 24 since January 29, 2020. Prior to  
4 that, HORNTVEDT had been housed in Pod 302 since November 15, 2019. Based  
5 upon this review, the suspect inmates were all in a location to have had access to the  
6 contraband phone.

7  
8 On March 18, 2020 Det. Martinez retrieved the cell phone from evidence,  
9 which was identified as a black LG smart phone, model number, LML212VL,  
10 International Mobile Equipment Identity (IMEI) number as 355987109283621, Serial  
11 number: 911VTYK1931362 from the device. The charging cord seized from Inmate  
12 Jones is compatible with this LG cell phone. Inmate Jones was cellmates at that time  
13 with HORNTVEDT in cell 24.

14 A state search warrant from Benton County Superior Court was obtained on  
15 April 1, 2020, for the black LG smart phone found in the janitor's closet. A federal  
16 search warrant was also obtained.

17 **SECOND REPORTING PARTY: BENTON COUNTY JAIL**

18 On March 18, 2020, Benton County Jail Investigator Larry Smith with the  
19 Benton County Sheriff's Office, assisted Det. Martinez with an interview of a  
20 reporting party herein referred to as Cooperating Defendant (hereafter CD2). CD2  
21 stated that he had information on a "dirty CO [Corrections Officer], involving cell  
22 phones and drugs in the facility." CD2 was in Department of Corrections (DOC)  
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1 custody serving a sentence for Unlawful Possession of a Firearm in the First Degree  
2 and Robbery in the Second Degree. CD2 was transferred from the Benton County Jail  
3 to DOC custody in March of 2020. Jail records confirmed that CD2 was assigned to a  
4 cell in Pod 302 for over two months prior to his transfer to DOC custody, the relevant  
5 period of the investigation. CD2 did not receive any compensation or consideration  
6 for providing information to law enforcement and was already under sentence when  
7 the information related to this investigation was provided.

8       CD2 stated that CHRISTIAN was smuggling in cell phones and drugs, passing  
9 messages between different pods, and was purposely allowing assaults to occur in the  
10 facility. CD2 also stated that CHRISTIAN let inmates know who had “keep  
11 separates” [orders separating specific inmates for safety] and who was “snitching”.  
12 CD2 advised that he had written down specific dates of incidents. This document was  
13 recovered by investigators.

14       CD2 advised that CD2 was aware of two different “loads” of cell phones. CD2  
15 advised that in mid-January of 2020, CHRISTIAN brought in two cell phones, an  
16 ounce of methamphetamine, an ounce of heroin, a half ounce of marijuana, and a  
17 methamphetamine pipe for \$1,000. CD2 advised that CHRISTIAN provided these  
18 items to Co-Defendant HORNTVEDT, a.k.a. “Hands.” CD2 advised that Alejandro  
19 LEON, a.k.a. KIDD, and Joel CERVANTES, a.k.a. Playboy, were also involved in  
20 the transactions.  
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1 CD2 advised that on the date that CHRISTIAN delivered the cell phones to  
2 HORNTVEDT, CHRISTIAN was working day shift. Prior to opening for breakfast,  
3 CHRISTIAN went into the mop closet with a bag of rags containing cell phones and  
4 drugs. CHRISTIAN left the bag in the closet and told HORNTVEDT that the cell  
5 phones were in the closet when he exited the cell. HORNTVEDT went into the mop  
6 closet and then went back to his cell. CD2 advised that the master cell phone  
7 controlled the data plan for the second cell phone, which was given to LEON. CD2  
8 indicated that the second cell phone was charged in the law library by LEON,  
9 CERVANTES, Rolando Vargas, and Rey Calderon. They would push the law cart to  
10 the back of the pod where the cell phone was charged.

11 CD2 advised that HORNTVEDT later hid the master cell phone in the janitor's  
12 closet in Pod 301 and turned the second cell phone data off prior to the discovery of  
13 the master cell phone on February 2, 2020. CD2 advised that LEON broke the second  
14 cell phone and disposed of it. CD2 further stated that the drugs CHRISTIAN  
15 delivered with the cell phones were left mostly in Pod 302 when HORNTVEDT was  
16 transferred to Pod 301, but that HORNTVEDT did take some of the drugs with him.  
17 CD2 advised that over the next couple of days corrections officers searched Pod 302  
18 and found a bag of methamphetamine thrown by the white male inmate in cell 10  
19 housed with Rascal, which is a moniker used by Rey Calderon.

20 CD2 stated that LEON paid for "a second load" of two additional cell phones,  
21 an ounce of methamphetamine, and an ounce of heroin, which was to again bc  
22

1 delivered by CHRISTIAN. CD2 advised that LEON and CHRISTIAN utilized Text  
2 Now [texting/phone call application used for communication through the internet] to  
3 communicate. CD2 also stated that CHRISTIAN was communicating with LEON's  
4 girlfriend, Co-Defendant Alyssa CANTU on the outside to pick up the money. CD2  
5 described that the two phones provided to LEON, occurred the same day LEON and  
6 CERVANTES were caught with marijuana and sub-Oxone strips (referenced below).  
7 Det. Martinez confirmed there was in fact an investigation of narcotics in the jail that  
8 occurred on February 27, 2020, BCSO Case# 20-03341, which involved  
9 CERVANTES and LEON.

10 According to CD2, CHRISTIAN was supposed to deliver additional drugs later.  
11 When asked who provided the cell phones to CHRISTIAN, CD2 advised that LEON's  
12 girlfriend, CANTU, bought everything and provided it to CHRISTIAN, adding that,  
13 "Nothing out of the \$1,000 comes out of Christian's pocket." CD2 stated that, "All  
14 the dope is wrapped and ready, all he [CO Christian] has to do is pick it up."

15 CD2 described that on one occasion, CHRISTIAN was supposed to have  
16 brought in drugs but didn't have them. Instead, on a Friday night before March 11,  
17 2020 when CHRISTIAN went to graveyard shift, he opened LEON's door to charge  
18 his cell phone. CD2 indicated video should show CHRISTIAN open cell 10 [in Pod  
19 302] which is LEON's cell, grab a newspaper with a cell phone in it, go down to  
20 Inmate Vargas's cell 13, and gave the newspaper to Inmate Vargas. CD2 advised that  
21 Vargas charged the phone and later in the night CHRISTIAN gave the phone back to  
22

1 LEON. CD2 advised that CHRISTIAN did not deliver any drugs because they  
2 weren't ready through LEON. The drop of the drugs didn't occur while CD2 was still  
3 in jail. Before CD2 left the jail, however, he advised that LEON text messaged  
4 CHRISTIAN if they were good, to which CHRISTIAN replied, "we're good".  
5

6 Det. Martinez later reviewed video captured on Friday March 6, 2020 before  
7 midnight which confirmed that CHRISTIAN did receive the newspaper as reported  
8 and that later in his shift on Saturday March 7, 2020, the suspected drop off the phone  
9 occurred using toilet paper. CHRISTIAN was confirmed to be accessing LEON's cell  
10 as reported.  
11

12 CD2 expressed concern over CHRISTIAN endangering the safety of inmates in  
13 the jail. CD2 stated that CHRISTIAN advised LEON and CERVANTES, both  
14 confirmed gang members, that the aforementioned "CD" had told corrections officers  
15 about the contraband cell phone in the janitor's closet. In retaliation, gang members  
16 ordered the CD to assault Corrections Officer Corey Williams. Det. Martinez later  
17 reviewed the alleged assault reports by jail staff that occurred on February 22, 2020, in  
18 Pod 302. CO Williams reported being assaulted by CD. CO French reported that  
19 based upon interviews of the inmates in Pod 302, there were conflicting statements  
20 about why the assault happened. One inmate reported that the Surenos knew CD,  
21 "Was a snitch."  
22

23 CD2 described another incident where CHRISTIAN assisted inmates in  
24 retaliating against another inmate. CD2 stated that "Drowzee", which is a moniker  
25

1 used by Adrian Antonio Mendoza, got “checked”. CD2 defined “checked” as a gang  
2 assault or punishment for perceived wrongdoing by a fellow gang member. Prior to  
3 Inmate Mendoza being assaulted, LEON and CERVANTES spoke to CHRISTIAN  
4 telling him that they needed to, “check” Inmate Mendoza. Based on that conversation,  
5 CD2 stated that CHRISTIAN purposefully left Inmate Mendoza’s cell door open as  
6 well as other doors on the tier so that Rolando Vargas, who CD2 identified by his  
7 moniker “Chato”, and Rey Calderon could enter the cell and assault Inmate Mendoza.  
8 CD2 advised that CHRISTIAN deflected knowledge of the assault by grabbing the  
9 law library cart and leaving the tier. CD2 stated that a couple of days later  
10 Corrections Officer Ryan French saw Inmate Mendoza with a black eye and  
11 “everyone played stupid.” Det. Martinez later confirmed the report made by Ofc.  
12 French on February 26, 2020 regarding a possible assault on Inmate Mendoza. In the  
13 report, Det. Martinez observed photographs where Inmate Mendoza had obvious  
14 injuries on most of the left side of his face.<sup>1</sup>

15 CD2 described another incident where CHRISTIAN permitted retaliation  
16 against another inmate related to the assault of Inmate Mendoza. CD2 described that  
17 inmate as a black male who had been in jail for two years for pending charges of  
18 kicking a baby. Det. Martinez later identified this inmate as Tristen D. Landry, who

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20 <sup>1</sup> CD2 also advised that CHRISTIAN brought over a note from a Southside gang  
21 member in Pod 301 to CERVANTES that stated that Inmate Mendoza messed up by  
22 not giving a cut of his profits to the gang after he received money selling post cards  
23 soaked in methamphetamine that had been mailed to the jail. CD2 advised the note  
24 stated that “this needed to happen [assault].”

1 has one count of Assault of a Child in the Second Degree pending with an offense date  
2 of March 15, 2018. CD2 advised that CHRISTIAN told other inmates that Inmate  
3 Landry was “putting my [CO Christian’s] name out there” by advising CO French that  
4 CHRISTIAN had allowed the assault on Inmate Mendoza to occur. When Inmate  
5 Landry was taken “to the hole”, CD2 stated that CHRISTIAN allowed other inmates  
6 to go through his property and take his belongings. CD2 stated that he heard  
7 CHRISTIAN tell Inmate Vargas, “This dude’s a rat, he fronted me out, we had to get  
8 him out of here some way or another right?” CD2 stated that CHRISTIAN was  
9 laughing and added, “I [CO Christian] let them run through his shit” and “He ain’t got  
10 nothing left up in there.” Inmate Landry returned from “the hole” the next day and  
11 found his property missing and filed a grievance. Det. Martinez verified that  
12 CHRISTIAN reported Inmate Landry refused to lock down on February 27, 2020 and  
13 was removed from his cell. Det. Martinez also located video/picture documentation  
14 corroborating CD2's version of events.

## 20                   **BENTON COUNTY JAIL PHONE CALLS**

21                   The following is a summary of some of the relevant jail calls identified between  
22 the Defendant and Co-Defendant HORNTVEDT concerning the introduction of  
23 contraband into Benton County Jail.

24                   On *February 2, 2020* at 11:09AM, HORNTVEDT called the Defendant  
25 referred to as “MJ” and stated, “The one that you’re supposed to meet is a go.” He  
26 told her to tell him that it’s a “Him and me thing” and further stated that she will be an  
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1 intermediary. HORNTVEDT told the Defendant that he needed “One of those  
2 utensils in there” and advised that he needed to “blow those bubbles.” He also asked  
3 for “flam, flamers.”  
4

5 On *February 3, 2020*, HORNTVEDT again called the Defendant and asked,  
6 “Did you get a hold of Cuz (CHRISTIAN), to which the Defendant stated no. He told  
7 her to “tap him” and “It’s all the way good, it’s all the way together, when can I link  
8 up with you to post old boy’s bond.” When the Defendant asked if all she had to do  
9 was give him the money, HORNTVEDT advised, “Nah and the... you know what I’m  
10 saying... yup yup.” The Defendant asked, “Two of those right?” Later that same day  
11 (*February 3, 2020*), at 1738hrs, HORNTVEDT called the Defendant and told her that  
12 he tried to call, “Paya” (another identified individual who assisted in smuggling drugs)  
13 but he didn’t get a hold of her. He asked the Defendant if she wanted the number to  
14 Paya. The Defendant asked what was it that she was supposed to ask her, and he  
15 advised she is supposed to give her, “Two and Two” so, “It can be put in...”  
16 HORNTVEDT told the Defendant to get everything ready and hold onto it until it’s  
17 “all the way put together.” The Defendant asked if she was getting anything for this  
18 to which HORNTVEDT reacted to this statement as if he was upset and stated that he  
19 thought she was there for him and didn’t know everything he asked her for would cost  
20 him.  
21

22 The Defendant also received a couple of calls from an inmate identified as  
23 “Konjac” or “Jack.” For example, on *February 4, 2020* the Defendant told Jack  
24

1 during the call that she was going to meet with, "Homeboy" right now and asked if he  
2 wanted her to call, "Cuz" (CHRISTIAN).

3           On *February 5, 2020*, HORNTVEDT called an unknown male and asked if  
4 "she" ever made it. The Unknown subject told HORNVEDT that he gave her  
5 (referring to the Defendant) "the band." HORNVEDT gave the male a phone number  
6 and told him when he hits her up it's for, "Two-day times, two-night times [Daytime  
7  
8 is Methamphetamine and Nighttime is Heroin]."

9  
10          On *February 6, 2020*, HORNTVEDT made a series of calls again to MJ. The  
11 following is a summary:

12           1:39pm: HORNVEDT asked the Defendant if she called "Payasa." When  
13 she said no, he asked if she has spoken to Kyle. She advised, "Yesterday."  
14 The Defendant also asked if she has spoken to "Cuz" (CHRISTIAN) and she  
15 replied no. HORNVEDT gave her a phone number of 572-6094 or 302-  
16 4012 for Payasa. He continued to tell the Defendant that if she (Payasa)  
17 doesn't answer to get ahold of the homie, "Trucha" at 430-7547  
18 HORNVEDT told the Defendant to tell "Trucha" that they're trying to put  
19 something together for the homie "Pollo."

20           2:26pm: The Defendant and HORNVEDT talked about 34 vs 24 (monetary  
21 amounts) and HORNVEDT stated that it will be 24 because she already has  
22 "a band" (\$1,000) of his. The Defendant asked if he wanted her to get the  
23 five items with it [the band (\$1,000)]? HORNVEDT told the Defendant  
24 those items are coming to her for free. That, "They are just being tossed to  
25 you for me and Po..."

26           2:55hrs- HORNVEDT asked what his "Cuz" (CHRISTIAN)said. The  
27 Defendant stated, "The last time he messaged me." Then she told

1 HORNVEDT to “hold on.” The Defendant then proceeded to read a  
 2 conversation where she and “cuz” (CHRISTIAN) discussed a “package.”  
 3 HORNVEDT stated, “If not …get two of the daytime” (referring to drugs)  
 4 HORNVEDT told the Defendant that he wanted her to get “the five [items].”  
 5 HORNVEDT also told her to at least get the two “daytime.” HORNVEDT  
 6 provided the Defendant with two additional phone numbers to call and again  
 7 asked her to get two daytime, and a cell phone.

8 On *February 7, 2020*, another series of calls was made by HORNVEDT to the  
 9

10 Defendant:

11 4:40pm- the Defendant stated she tried to get a hold of his people and they  
 12 don’t get back to her. He asked, “You talking about Pollo?” She advised,  
 13 “Yeah.” He instructed her to do the other thing I told you, “Just do the  
 14 daytime” and to call “Cuz” (CHRISTIAN). HORNVEDT told her to put it  
 15 all together and that he was giving “him” two bands (\$2,000). The  
 16 Defendant asked “that’s what it’s worth to him?” HORNTVEDT stated yea.

17 5:01pm- HORNTVEDT advised that the band (\$1000) the Defendant got  
 18 from Kyle and the band she is supposed to pick up tonight go to “Cuz”  
 19 (CHRISTIAN)

20 6:15pm- the Defendant stated that she was going to go to Othello to pick up  
 21 her mother’s car because her vehicle wasn’t working. HORNTVEDT told  
 22 her that she should be getting, “\$2,400.” MJ brought up being, “in the hole  
 23 [money].” HORNTVEDT stated that he doesn’t like to talk specifics about  
 24 money on this phone. HORNTVEDT again asked if she got a hold of Kyle  
 25 and to go ahead and get the “two daytime.”

26 On *February 10, 2020*, HORNTVEDT called the Defendant who stated that  
 27 “Cuz” (CHRISTIAN) don’t like to answer calls.” HORNTVEDT stated, “It’s a  
 28

1 different line but it's good." That same day at 1823hrs, HORNTVEDT called the  
 2 Defendant and told her to call Cuz (CHRISTIAN) and to link up with him today at  
 3 7pm. The Defendant stated that she needed to get a hold of the stuff first.  
 4 HORNTVEDT asked if the Defendant still had the stuff from Kyle, to which she  
 5 responded that she did.  
 6

7       On *February 12, 2020*, HORNTVEDT called the Defendant who stated her  
 8 roommate was going to call the cops over a dispute. HORNTVEDT asked, knowing  
 9 that you (MJ), "have all the stuff." MJ does not respond or acknowledge. Later that  
 10 same day, HORNTVEDT called the Defendant and told her to call that number...”  
 11 “the 541.” He also asked her, “What’s up with that bitch?” (referring to the  
 12 roommate). The Defendant asked what you want to know, he replied that he didn’t  
 13 want her to say a lot on this phone [recorded line]. HORNTVEDT asked her for “one  
 14 of the daytimes” “that way I can travel with it” (referring to another POD or jail which  
 15 did in fact occur several days later). The Defendant then stated she knew, “Nine  
 16 strippers” (referring to suboxone strips). HORNTVEDT told her, “Put those in there  
 17 too.” HORNTVEDT stated he was going to call Cuz (CHRISTIAN) and let him  
 18 know to, “Tap your shit [call her].”  
 19

20       On *February 15, 2020*, HORNTVEDT called the Defendant and asked about  
 21 Kyle stating to wait to the first [of the month] when he had more. The Defendant  
 22 advised that Kyle asked if it came from the rack (\$1000) that he gave her or if it’s  
 23 separate. She told Kyle that he (Kyle) was getting it separate. Kyle advised that he  
 24

1 was low on money. HORNTVEDT told her to be nice to Kyle. He asked her, "Do  
2 you have anyone else giving you a free \$1,000 right now?"  
3

4 On *February 16, 2020*, HORNTVEDT called the Defendant and she asked,  
5 "Was the phone for me?" HORNTVEDT stated, "No, the phone was for me." He  
6 advised that "It was late in the game." He advised he didn't know how she would link  
7 up with Cruz (CHRISTIAN). He asked if she was heading out; she advised she was  
8 heading out in a couple of hours.

9  
10 On *February 18, 2020*, HORNTVEDT called the Defendant and asked if homie  
11 hit her up yesterday. MJ stated yes, but the homie was supposed to get a hold of her  
12 tomorrow. At 0849hrs, HORNTVEDT again called the Defendant who stated she was  
13 going to make a couple of trips. HORNTVEDT asked about phone number 331-9438.  
14 The Defendant stated it's a Text Now. HORNTVEDT advised that he talked to Cuz  
15 and that he was going to have Cuz tap her line so they can handle it and he  
16 (HORNTVEDT) can be good. He directed the Defendant to go get those phones and  
17 the chain for him.  
18

19 **ADDITIONAL CONTRABAND SEIZURES AT BENTON COUNTY JAIL**

20 Based upon the above information from CD and CD2, Det. Martinez pulled all  
21 contraband seizures during the relevant time-period of this investigation.  
22

23 On *January 29, 2020*, Det. Martinez confirmed that while in Pod 302, the same  
24 Pod as LEON and HORNTVEDT, Co-Defendant KINSEY was found to have  
25 approximately 1.6 grams of methamphetamines, 4 yellow pills, .3 grams of Heroin, 1  
26  
27  
28

1 gram of Marijuana<sup>2</sup> These narcotics are of the same type that was spoken about being  
 2 given to CHRISTIAN to smuggle into Benton County Jail, described as green being  
 3 Marijuana, clear or daytime being Methamphetamine, black or nighttime being  
 4 Heroin.

6 On *February 27, 2020*, Benton County Corrections officers found contraband  
 7 after a search due to information of possible drugs inside the same Pod.

9 CERVANTES was found to have a bundle of a white powder inside a latex glove tip  
 10 inside his underwear, after a body search. BSCO Det. Mehline requested the nurse to  
 11 test the white powder it was positive for Suboxone. The nurse confirmed that  
 12 CERVANTES was not on a Suboxone regiment. During this search LEON was found  
 13 to have a Marijuana like substance inside his underwear inside a latex fingertip. Both  
 14 drugs were tested by WSP Lab found to be Suboxone and Marijuana.

17 On *April 21, 2020*, at 2:20PM, Benton County Corrections Officer (CO)  
 18 Haynes was approached near Pod 302 by LEON. According to CO Haynes, LEON  
 19 requested to use the law library located in the multi-purpose room. As LEON arrived  
 20 in the law library, CO Haynes noticed that he was carrying a manila envelope that  
 21 appeared to Haynes to contain paperwork. CO Haynes observed LEON unplug the  
 22 law library (computer) from the back wall and move it to the wall behind CO Haynes'  
 23 desk. Based upon knowledge that other contraband had recently been introduced into  
 24

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28 <sup>2</sup> CD2 had also identified Co-Defendant KINSEY as being present and involved  
 during one of the contraband shipments.

1 the jail, CO Haynes reported this activity to be suspicious. After approximately 15  
2 minutes, CO Haynes looked into the room and observed a phone cord charger plugged  
3 into the outlet where the law library (computer) was originally located. CO Haynes  
4 contacted Corporal Nelson and advised of the possible contraband. Corporal Nelson  
5 advised CO Haynes to leave LEON in the multi-purpose room until additional  
6 Corrections Officers arrived.  
7

8 CO McMaster arrived at the multi-purpose room and as the door was opened,  
9 CO McMaster placed wrist restraints on LEON. Corrections Officers Rolloson,  
10 Forbes, and Tanska searched LEON's property and found a cellular phone and a  
11 charging cord hidden in LEON's manila envelope along with paperwork. The cellular  
12 phone and charging cord were seized as contraband and turned over to Benton County  
13 Sheriff's Det. Martinez.  
14

15 On *April 23, 2020*, DEA Tri-Cities Task Force Officer (TFO) Thomas Orth  
16 while monitoring phone calls of LEON from the Benton County Jail learned that he  
17 was in solitary confinement. LEON was being held at the Benton County jail on  
18 federal drug charges. *See*, 19-CR-6062-SMJ. On April 24, 2020, TFO Orth and  
19 Special Agent (SA) Kurt Mitchell contacted Det. Martinez and requested the reports  
20 of what had occurred involving LEON being in possession of contraband (Cellular  
21 phone). Detective Martinez relinquished custody of the black LG cellular phone  
22 bearing IMEI:353566111505544 to TFO Orth. A federal search warrant was  
23  
24  
25  
26  
27  
28

1 subsequently obtained to search the cell phone. A search of the phone revealed that a  
2 large volume of data had been deleted but offered relevant evidence as noted below.  
3

4 **ARREST OF THE DEFENDANT AND SEIZURE OF CELLULAR PHONE**

5 On *April 20, 2020*, according to reports from Adams County, an Adams County  
6 Sheriff's Deputy on patrol observed the Defendant outside of 610 S. Andes Rd,  
7 Othello WA, Adams County. He confirmed she had a felony warrant out of Franklin  
8 County and placed her under arrest. Search incident to arrest, the deputies reported  
9 finding a white powdery substance in a baggie in her pocket. As the Defendant was  
10 suspected in the above investigation, there was an alert to contact Det. Martinez if she  
11 was encountered by police. As a result, the deputies contact Det. Martinez who asked  
12 the Deputies on scene if the Defendant had a cellphone on her. The deputies advised  
13 there was not one on her person, but one was observed in the Ford Taurus where she  
14 was located. Det. Martinez stated he was going to call her identified number from the  
15 jail calls (509)237-2853, using a restricted number. Within seconds, the phone within  
16 the Ford Taurus received an incoming call from a restricted number. The phone was  
17 collected by the Adams County Deputies, and later was turned over to Det. Martinez.  
18

19 A search warrant was subsequently obtained to download the contents of the  
20 cell phone. Relevant information was located on the phone and summarized below.  
21

22 **INTERVIEW OF CD3**

23 On *May 5, 2020*, SA Pietrzak along TFO Orth, were present when Det.  
24 Martinez conducted a non-mirandized, witness interview of another cooperating  
25

1 defendant, hereafter referred to as CD3. No promises were made to CD3 in exchange  
2 for information and CD3 has not received any consideration for the information  
3 provided. CD3 admitted CD3 was able to enlist a guard to help smuggle contraband  
4 into Benton County Jail. When asked if it was CHRISTIAN, CD3 stated yes. CD3  
5 advised there were several shipments of contraband to into the jail during the period of  
6 the Conspiracy to include phones, heroin, and methamphetamines.  
7  
8

9 **EVIDENCE DERIVED FROM JAIL CALLS, CELL PHONES AND**  
10 **TEXT NOW MESSAGES**

11 As noted above, several cell phones have been seized to include contraband cell  
12 phones inside the jail. Search warrants were obtained to download these phones.  
13 Moreover, search warrants were obtained for various Text Now accounts utilized by  
14 CHRISTIAN and other Co-Defendants. Moreover, Det. Martinez and SA Paetra  
15 have listened to a large number of recorded jail calls and reviewed a number of video  
16 recordings from inside Benton County Jail. Based upon the collection of this  
17 evidence, there is a large volume of records which have corroborated information  
18 provided by CD, C2 and CD3 and also identified several other co-conspirators to  
19 include the Defendant and Co-Defendant SANDERS, who were also a part of this  
20 criminal conspiracy.

21 Amongst the evidence gathered from these sources, are actual communications  
22 from CERVANTES and LEON utilizing the identified contraband cell phones with  
23 CHRISTIAN as well as communications between CHRISTIAN, SANDERS, and  
24  
25  
26  
27  
28

1 CANTU. These communications clearly establish that Co-Defendant HONRVENDT,  
2 LEON and CERVANTES, were working with CHRISTIAN to smuggle contraband  
3 into the jail. The contraband included cell phones, methamphetamine, heroin,  
4 suboxone and marijuana. The United States would present further evidence that  
5 LEON and HORNVENDT would contact Co-Defendants who were out of custody, to  
6 include the Defendant, SANDERS, and CANTU, and direct them to obtain the illegal  
7 contraband and meet up with CHRISTIAN. CHRISTIAN would then communicate  
8 with SANDERS, the Defendant and CANTU to meet up and obtain the contraband  
9 and then smuggle it into the jail for LEON, CERVANTES and HORNVENDT. This  
10 all occurred during the time-period of the alleged conspiracy.

14 Det. Martinez also obtained the subscriber information for the Text Now  
15 account utilized to communicate with several members of this conspiracy. Charter  
16 Communications, an internet provider, sent the requested information, which stated  
17 the subscriber of the IP address 66.191.10.128 was used to download the Text Now  
18 application to be Jennifer Christian at the time on November 28, 2016 1816 hrs,  
19 located at 8515 W Entiat Ave. Kennewick WA, with the contact email of  
20 Eric0587@Live.com. This was confirmed to be CHRISTIAN's wife and address,  
21 confirming he was the user of the Text Now account.

1       6.     The United States Agrees:

2           (a).   To Dismiss the following:

3     *Count 2- Attempt to Provide Prohibited Objects to an Inmate of a Prison, in*  
4     violation of 18 U.S.C. § 1791(a)(1), (b)(1), (b)(2), (b)(3), (b)(4) and (c).

5           (b).   Not to File Additional Charges:

6     The United States agrees not to bring any additional charges against the  
7     Defendant based upon information in its possession at the time of this Plea Agreement  
8     and arising out of Defendant's conduct involving illegal activity charged in Indictment  
9     10     4:20-CR-6029-SAB, unless the Defendant breaches this Plea Agreement.

11       7.     United States Sentencing Guideline Calculations:

12     The Defendant understands and acknowledges that the United States Sentencing  
13     Guidelines (hereinafter "USSG") are applicable to this case and that the Court will  
14     determine the Defendant's applicable sentencing guideline range at the time of  
15     sentencing.

16           (a).   Base Offense Level and Specific Offense Characteristics:

17     The parties will argue the applicable base offense level at the time of  
18     sentencing. The parties agree and stipulate that no other special offense  
19     characteristics apply to this Defendant.

20           (b).   Acceptance of Responsibility:

21     If the Defendant pleads guilty and demonstrates a recognition and an  
22     affirmative acceptance of personal responsibility for the criminal conduct; provides  
23     complete and accurate information during the sentencing process; does not commit  
24     25  
26     27  
28

1 any obstructive conduct; accepts this Plea Agreement; and enters a plea of guilty no  
2 later than the next Pre-Trial Conference, the United States will move for a three (3)  
3 level downward adjustment in the offense level for the Defendant's timely acceptance  
4 of responsibility, pursuant to USSG §3E1.1(a) and (b).

5  
6 The Defendant and the United States agree that the United States may at its  
7 option and upon written notice to the Defendant, not recommend a three (3) level  
8 downward reduction for acceptance of responsibility if, prior to the imposition of  
9 sentence, the Defendant is charged or convicted of any criminal offense whatsoever or  
10 if the Defendant tests positive for any controlled substance.

11  
12 Furthermore, for each count of conviction, the Defendant agrees to pay the  
13 \$100 mandatory special penalty assessment to the Clerk of Court for the Eastern  
14 District of Washington, at or before sentencing, and shall provide a receipt from the  
15 Clerk to the United States before sentencing as proof of this payment, as a condition to  
16 this recommendation by the United States.

17  
18 (c). Criminal History:

19  
20 The United States and the Defendant understand that the Defendant's criminal  
21 history computation is tentative and that ultimately the Defendant's criminal history  
22 category will be determined by the Court after review of the Presentence Investigative  
23 Report. The United States and the Defendant have made no agreement and make no  
24 representations as to the criminal history category, which shall be determined after the  
25 Presentence Investigative Report is completed.

1       8. Departures/Variances:

2       The Defendant might request a downward departure or variance from the  
3 sentencing guidelines. The United States is free to argue against them.

4       9. Length of Incarceration:

5       The parties are free to recommend any lawful sentence.

6       10. Criminal Fine:

7       The United States and the Defendant are free to make whatever  
8 recommendation concerning the imposition of a criminal fine that they believe is  
9 appropriate.

10      11. Supervised Release/Probation:

11      The parties agree to recommend a 3-year term of supervised release/probation.  
12     The parties further agree to include the following special conditions, in addition to the  
13 standard conditions of supervised release: that the Defendant's person, residence,  
14 office, vehicle, and belongings are subject to search at the direction of the Probation  
15 Office and that the Defendant have no contact with co-defendants or potential  
16 witnesses.

17      12. Mandatory Special Penalty Assessment:

18      For each count of conviction, the Defendant agrees to pay the \$100 mandatory  
19 special penalty assessment to the Clerk of Court for the Eastern District of  
20 Washington, at or before sentencing, pursuant to 18 U.S.C. § 3013 and shall provide a  
21 receipt from the Clerk to the United States before sentencing as proof of this payment.

22 F

1       13. Payments While Incarcerated:

2       If the Defendant lacks the financial resources to pay the monetary obligations  
3 imposed by the Court, the Defendant agrees to earn the money to pay toward these  
4 obligations by participating in the Bureau of Prisons' Inmate Financial Responsibility  
5 Program.

6       14. Additional Violations of Law Can Void Plea Agreement:

7       The Defendant and the United States agree that the United States may at its  
8 option and upon written notice to the Defendant, withdraw from this Plea Agreement  
9 or modify its recommendation for sentence if, prior to the imposition of sentence, the  
10 Defendant is charged or convicted of any criminal offense whatsoever or if the  
11 Defendant tests positive for any controlled substance.

12       15. Appeal Rights:

13       In return for the concessions that the United States has made in this Plea  
14 Agreement, the Defendant agrees to waive her right to appeal the conviction and  
15 sentence if the Court imposes a prison term no higher than the high end of the  
16 applicable guideline range as determined by the Court and imposes no more than 3  
17 years supervised release or probation. Defendant further expressly waives her right to  
18 file any post-conviction motion attacking her conviction and sentence, including a  
19 motion pursuant to 28 U.S.C. § 2255, except one based upon ineffective assistance of  
20 counsel based on information not now known by Defendant and which, in the exercise  
21 of due diligence, could not be known by Defendant by the time the Court imposes the  
22 sentence. Should the Defendant successfully move to withdraw from this Plea  
23

1 Agreement or should the Defendant's conviction on 4:20-CR-6029-SAB be  
2 dismissed, set aside, vacated, or reversed, the Plea Agreement shall become null and  
3 void; the United States may move to reinstate all counts of Indictment 4:20-CR-6029-  
4 SAB; and the United States may prosecute the Defendant on all available charges  
5 involving or arising out of Indictment 4:20-CR-6029-SAB. Nothing in this Plea  
6 Agreement shall preclude the United States from opposing any post-conviction  
7 motion for a reduction of sentence or other attack of the conviction or sentence,  
8 including, but not limited to, proceedings pursuant to 28 U.S.C. § 2255 (writ of habeas  
9 corpus).  
10  
11

12       16. Integration Clause:

13       The United States and the Defendant acknowledge that this document  
14 constitutes the entire Plea Agreement between the United States and the Defendant,  
15 and no other promises, agreements, or conditions exist between the United States and  
16 the Defendant concerning the resolution of the case. This Plea Agreement is binding  
17 only upon the United States Attorney's Office for the Eastern District of Washington,  
18 and cannot bind other federal, state, or local authorities. The United States and the  
19 Defendant agree that this agreement cannot be modified except in a writing that is  
20 signed by the United States and the Defendant.  
21  
22  
23  
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#### Approvals and Signatures

Agreed and submitted on behalf of the United States Attorney's Office for the Eastern District of Washington.

Joseph H. Harrington  
Acting United States Attorney

Stephanie Van Marter  
Stephanie A. Van Marter  
Assistant U.S. Attorney

7/29/2021

Date

I have read this Plea Agreement and have carefully reviewed and discussed every part of the agreement with my attorney. I understand and voluntarily enter into this Plea Agreement. Furthermore, I have consulted with my attorney about my rights, I understand those rights, and I am satisfied with the representation of my attorney in this case. No other promises or inducements have been made to me, other than those contained in this Plea Agreement and no one has threatened or forced me in any way to enter into this Plea Agreement. I am agreeing to plead guilty because I am guilty.

Maurice M.

7-29-21

Date

I have read the Plea Agreement and have discussed the contents of the agreement with my client. The Plea Agreement accurately and completely sets forth the entirety of the agreement between the parties. I concur in my client's decision to plead guilty as set forth in the Plea Agreement. There is no legal reason why the Court ~~should not~~ accept Defendant's plea of guilty.

   
Houston Goddard  
Attorney for Defendant

7/29/21

Date